

Message Text

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ORIGIN PM-05

INFO OCT-01 EUR-12 ISO-00 IGA-02 CIAE-00 INR-07
NSAE-00 TRSE-00 OMB-01 MCE-00 /028 R

DRAFTED BY PM/SAS:SGEIS:RF
APPROVED BY PM/SAS - FCORRY
EUR/WE - AHUGHES
DOD/DSAA - PSOMMER

-----051312 160614Z /13

R 160349Z OCT 77
FM SECSTATE WASHDC
TO AMEMBASSY MADRID
INFO DOD/DSAA
USCINCEUR
JUSMAG MADRID

C O N F I D E N T I A L STATE 248514

E.O. 11652:GDS

TAGS: MASS, SP

SUBJECT:SPANISH FIELD ARTILLERY PROCUREMENT

1. DEPARTMENT HAS RECEIVED A LETTER FROM OMEGA INDUSTRIES INTERNATIONAL, INC. OF JERICO, NEW YORK CONCERNING REQUEST BY EMPRESA NACIONAL SANTA BARBARA DE INDUSTRIAS MILITARES, SA, A GOVERNMENTAL ACTIVITY, THAT OMEGA ACT AS ITS AGENT FOR PROCUREMENT OF 42 UNITS OF 175MM GUNS (M107) AND 60 UNITS OF 155MM GUNS (M109). COPY OF LETTER FROM SANTA BARBARA, WHICH IS ENCLOSED WITH OMEGA LETTER, IMPLIES THAT SANTA BARBARA HAS AUTHORIZATION FROM SPANISH ARMED FORCES, CHIEF OF STAFF, WITH RESPECT TO THIS TRANSACTION; WHICH IS A NEW REQUIREMENT AND IS NOT TO BE ASSOCIATED WITH PENDING USG FMS OFFERS. BOTH LETTERS ARE BEING POUCHED TO JUSMAG.

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2. SANTA BARBARA ASKS FOR FMS OFFERS FOR AFOREMENTIONED GUNS IN FOLLOWING CONDITIONS:

- A) AS MAIN KITS AND PARTS TO BE ASSEMBLED IN ITS FACTORY
- B) FOR COMPLETE NEW UNITS

C) AS USED MATERIAL WHICH WOULD BE RECONDITIONED IN ITS

FACTORY

D) DETAILED OFFERS FOR COMPLETE M107 AND M109 UNUSED,
OLD VERSIONS.

3. AS REQUEST INVOLVES POSSIBLE FMS PURCHASE OF MAJOR
DEFENSE EQUIPMENT, THE DEPARTMENT REQUESTS MISSION'S
VIEWS AS APPROPRIATE IN ACCORDANCE WITH PARA 5E OF STATE
207984.

4. DEPARTMENT ALSO REQUESTS MISSION'S VIEWS ON SPAIN
PROCURING DEFENSE ARTICLES AND SERVICES UNDER FMS
THROUGH AN AUTHORIZED AGENT. DEFENSE IN LETTER FROM
DIRECTOR DSAA HAS INFORMED OMEGA HOW TO GO ABOUT BEING
CERTIFIED AS AN AGENT. WHILE A FOREIGN GOVERNMENT MAY
AUTHORIZE AN AGENT TO REQUEST FMS LOA, P&A, OR P&B DATA ON
THEIR BEHALF, YOU SHOULD INFORM GOS THAT OUR PROVISION
OF THE REQUIRED TEXT TO A FIRM, SUCH AS OMEGA, DOES NOT IN
ANYWAY REPRESENT A USG RECOMMENDATION THAT THE GOS USE AN
AGENT FOR FMS PROCUREMENT.

5. TEXT OF DIRECTOR, DSAA RESPONSE TO OMEGA FOLLOWS:

DEAR MR. KOPAN:
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AS A FOLLOW-UP TO YOUR CONVERSATIONS WITH MY STAFF CON-
CERNING YOUR LETTER OF SEPTEMBER 21, 1977 ON PROCEDURES
BY WHICH A FOREIGN GOVERNMENT AUTHORIZES AN AGENT TO RE-
QUEST AN FMS LETTER OF OFFER, WE HAVE QUOTED BELOW A
SAMPLE TEXT OF THE REQUIRED LANGUAGE. THE LETTER
CERTIFYING OMEGA INDUSTRIES AS THE AGENT SHOULD BE
ADDRESSED TO THE DIRECTOR, DEFENSE SECURITY ASSISTANCE
AGENCY AND MUST BE SIGNED BY THE FOREIGN GOVERNMENT'S,
(IN THIS CASE SPAIN'S) DEFENSE MINISTER OR DEPUTY DEFENSE
MINISTER.

AS YOUR SEPTEMBER 21 LETTER RECOGNIZES THIS IS NOT THE
NORMAL WAY IN WHICH A FOREIGN GOVERNMENT MAKES FMS
PROCUREMENT. THEREFORE, WE MUST INFORM THE GOVERNMENT OF
SPAIN THAT OUR PROVISION OF THIS INFORMATION TO OMEGA
SHOULD NOT BE CONSTRUED AS A UNITED STATES GOVERNMENT
RECOMMENDATION THAT THE GOVERNMENT OF SPAIN USE AN AGENT
FOR FMS GOVERNMENT-TO-GOVERNMENT PROCUREMENT.

THE TEXT OF THE REQUIRED CERTIFYING LETTER FOLLOWS:
BEGIN TEXT: THE GOVERNMENT OF HEREBY

APPOINTS, WHOSE ADDRESS IS AS ITS AGENT

FOR THE PURPOSE OF PURCHASING FOR THE GOVERNMENT
FOR THE PURPOSE OF PURCHASING FOR THE GOVERNMENT
OF, UNDER FOREIGN MILITARY SALES PROCEDURES,
THE FOLLOWING DEFENSE ITEMS:

SAID AGENT IS HEREBY AUTHORIZED TO SIGN IN THE NAME OF
THE GOVERNMENT OF, AS ITS AGENT, SUCH DD FORM
1513S AS MAY BE DEEMED NECESSARY BY THE DEFENSE SECURITY
ASSISTANCE AGENCY TO EFFECT THE FOREIGN MILITARY SALES OF
THE FOREGOING DEFENSE ITEMS, AND TO FURNISH THE SHIPPING
INSTRUCTIONS CALLED FOR BY PARAGRAPH B.4. OF THE GENERAL
CONDITIONS OF THE DD FORM 1513.
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SAID AGENT IS HEREBY DESIGNATED AS THE RESPONSIBLE
PAYING OFFICE OF THE GOVERNMENT OF TO WHICH,
IN ACCORDANCE WITH PARAGRAPH B.3.H. OF THE GENERAL
CONDITIONS OF THE DD FORM 1513, THE UNITED STATES
GOVERNMENT SHALL SUBMIT REQUESTS FOR FUNDS AND BILLS FOR
THE ABOVE-SPECIFIED PURCHASES, BUT DUPLICATE COPIES OF SUCH
REQUESTS FOR FUNDS AND BILLS SHALL BE FORWARDED BY THE
UNITED STATES GOVERNMENT TO HOWEVER, THE
GOVERNMENT OF HEREBY ACKNOWLEDGES THAT IT SHALL
BE PRIMARILY LIABLE FOR ANY AND ALL PAYMENTS DUE TO
THE UNITED STATES GOVERNMENT FOR PURCHASES MADE ON ITS
BEHALF BY THE HEREIN DESIGNATED AGENT.

THE GOVERNMENT OF FURTHER ACKNOWLEDGES
THAT ACCEPTANCE BY THE SAID AGENT IN THE NAME OF THE
GOVERNMENT OF OF DD FORM 1513S FOR THE ABOVE-
SPECIFIED PURCHASES CONSTITUTES ACCEPTANCE BY THE
GOVERNMENT OF ALL THE GENERAL CONDITIONS OF THE
DD FORM 1513 AND OF ALL SPECIAL TERMS AND CONDITIONS WHICH
MAY BE A PART OF, AND APPENDED TO, SUCH DD FORM 1513S.
END TEXT. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PROCUREMENT, ARTILLERY
Control Number: n/a
Copy: SINGLE
Sent Date: 16-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE248514
Document Source: CORE
Document Unique ID: 00
Drafter: SGEIS:RF
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770380-0325
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771055/aaaabulg.tel
Line Count: 158
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8371422e-c288-dd11-92da-001cc4696bcc
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 900276
Secure: OPEN
Status: NATIVE
Subject: SPANISH FIELD ARTILLERY PROCUREMENT
TAGS: MASS, SP, US, OMEGA INDUSTRIES INTERNATIONAL INC
To: MADRID
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8371422e-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009